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SUBJECT: NIGERIA: APPEALS COURT JUDGES SUMMONED BY OBASANJO

Classified by Counselor James Maxstadt. Reasons: 1.5 (B & D).

1. (C) SUMMARY: Three members of Nigeria's Federal Appeals Court were summoned to meet with President Obasanjo hours after the court issued a preliminary ruling in favor of his ANPP Presidential opponent Buhari. One of the judges claimed to Poloff that Obasanjo had "threatened" the judges and tried to influence the outcome of the upcoming trial. In the face of negative press and complaints from the opposition, Obasanjo's press aide claimed that the judges had been invited to discuss an allotment of land for the Appeals Court's permanent site. Criticism of the elections is mounting, and even the wife of the Chief Justice of the Supreme Court has aired complaints. This issue is still simmering but could boil over with little provocation. END SUMMARY.

2. (U) Nigeria's Federal Court of Appeal issued an August 5 preliminary ruling that ANPP Presidential candidate Muhammadu Buhari's petition contesting the election results had merit and should proceed. The press has reported that hours later, three Appeals Court judges and the court registrar were summoned to Obasanjo's office to discuss the matter with him and his lead counsel in the case, Chief Afe Babalola. When Buhari's objections to this meeting were aired in the press, Obasanjo's Special Adviser on Media Mrs. Remi Oyo issued a statement claiming that the timing of the meeting was coincidental. In fact, she said, the meeting was to discuss allotting land for construction of a permanent Federal Court in Abuja, something overlooked since the initial decision to begin moving the capital in 1976. "For the avoidance of doubt," she said, "Obasanjo has absolute respect for the independence of the judiciary."

3. (C) One of the judges summoned to the meeting told Poloff, however, that the initial press report was accurate. The judge claimed that Obasanjo had summoned the three judges and the registrar to ask how they could issue a ruling against his interests. According to this judge, Obasanjo began by trying to convince them that "Nigeria's interests would be served by supporting" the announced outcome of the election. When the group rejected Obasanjo's vague offers to "help" them (presumably through financial incentives) in return for a quick end to the case, the judge claimed that Obasanjo "threatened" the judges with legal and professional sanctions and implied that their "personal security could not be guaranteed." The judge claimed that the three stood firm and assured President Obasanjo of their commitment to "the rule of law." The judge told Poloff that many in the judiciary were aware of the manipulation of electoral tribunals but that "some of us" are committed to "salvaging some semblance of dignity for the higher courts." He expressed concern to Poloff over the safety of his family, citing the many unsolved murders with convenient political links.

4. (U) Public criticism of the elections continues unabated. On August 11, the wife of Supreme Court Chief Justice Mohammed Uwais gave a paper outlining public concerns. Maryam Uwais, an attorney, delivered a paper calling for more participation by all Nigerians in assisting those in need. Issuing a warning, she stated that "the voices of many were suppressed" in the election and that the government has only "instilled the seeds of discontent and future reprisals."

5. (C) COMMENT: Many court decisions on the elections have been based on technicalities, and some decisions were made without requiring INEC or the government to provide testimony or evidence. Public opinion has steadily shifted against the government on this over the intervening months, and it could boil over with little provocation.
ROBERTS